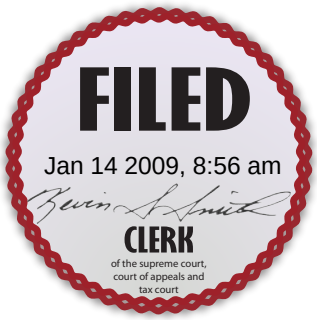

APPELLANT PRO SE:

WARREN PARKS
Hamilton, Ohio

IN THE
COURT OF APPEALS OF INDIANA

WARREN PARKS,	)	
	)	
Appellant-Petitioner,	)	
	)	
vs.	)	No. 81A04-0810-PC-600
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Respondent.	)	

APPEAL FROM THE UNION CIRCUIT COURT
The Honorable Matthew R. Cox, Judge
Cause No. 81C01-0608-FD-210 & 81C01-0609-FD-253

January 14, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Warren Parks appeals the trial court's denial of his motion to reject a plea agreement. Parks appears to raise three issues: [1]

I. Whether the trial court erred by denying his motion to reject the plea agreement;

II. Whether Parks's convictions violate the prohibition against double jeopardy; and

III. Whether the imposition of a $275 probation transfer fee violates the Equal Protection Clause.

We affirm.[2]

The relevant facts follow.[3] In August 2006, the State charged Parks with four counts of theft as class D felonies under cause number 81C01-0608-FD-210 ("Cause No.

[1] Parks appears to have combined his statement of facts, statement of the issues, and statement of the case in one section. We remind Parks that Ind. Appellate Rule 46(A) requires:

> The appellant's brief shall contain the following sections under separate headings and in the following order:
>
> * * * * *
>
> (4) Statement of Issues. This statement shall concisely and particularly describe each issue presented for review.
>
> (5) Statement of Case. This statement shall briefly describe the nature of the case, the course of the proceedings relevant to the issues presented for review, and the disposition of these issues by the trial court or Administrative Agency. Page references to the Record on Appeal or Appendix are required in accordance with Rule 22(C).
>
> (6) Statement of Facts. This statement shall describe the facts relevant to the issues presented for review but need not repeat what is in the statement of the case.
>
> * * * * *

[2] We note that the State did not file an appellee's brief. In such a case, we apply a less stringent standard of review with respect to showings of reversible error. Bovie v. State, 760 N.E.2d 1195, 1197 (Ind. Ct. App. 2002). We do not have the burden of controverting arguments advanced for reversal. Id.

210"). That same month, the State charged Parks with four counts of theft as class D felonies under cause number 81C01-0609-FD-253 ("Cause No. 253"). Parks entered a plea agreement that addressed both Cause No. 210 and Cause No. 253. Specifically, Parks pled guilty to two counts of theft as class D felonies under Cause No. 210 and two counts of theft as class D felonies under Cause No. 253. The plea agreement stated that "[o]n each Count in each cause number [Parks] shall be sentenced to a period of incarceration of Three (3) years, with One (1) year suspended and placed on probation for the suspended portion of the sentence, with terms and conditions of probation to be determined by the Court." Appellant's Appendix at 11. The trial court accepted the plea agreement and sentenced Parks accordingly.

On July 22, 2008, under Cause No. 210 and Cause No. 253, Parks filed a motion to transfer probation,[4] which stated that he requested to be transferred to Richmond, Indiana, and his probation officer informed Parks that he would need to pay $275 to transfer his probation. Parks argued that the probation officer's act violated Parks's rights under the Eighth Amendment and the Fourteenth Amendment to the United States Constitution. The chronological case summary does not reveal whether the trial court ruled on Parks's motion to transfer.

Parks needs only to establish prima facie error, which is error at first sight or appearance. Id.

[3] The record does not contain any transcript.

[4] Parks includes a copy of a motion to transfer probation in his appellant's appendix but it is not file stamped.

On September 15, 2008, Parks filed a motion to reject the plea agreement under both cause numbers.[5] The trial court denied Parks's motion to reject the plea agreement.

The arguments presented in Parks's brief were extremely difficult to follow. Pro se litigants are held to the same rules and standards as licensed attorneys. Schumm v. State, 866 N.E.2d 781, 797 (Ind. Ct. App. 2007), clarified on reh'g, 868 N.E.2d 1202 (Ind. Ct. App. 2007). Ind. Appellate Rule 46(A)(8) provides that "[t]he argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22." Parks does not develop his arguments, cite to the record, or cite to relevant authority for the first two issues.[6] Consequently, Parks has waived these issues. See, e.g., Cooper v. State, 854 N.E.2d 831, 834 n.1 (Ind. 2006) (holding that the defendant's contention was waived because it was "supported neither by cogent argument nor citation to authority");

[5] The record does not contain a copy of Parks's motion to reject the plea agreement.

[6] For example, the extent to which Parks argues that his convictions violate double jeopardy follows:

> "Parks was prosecuted for theft in the City of [L]iberty twice case number 81C01-0608-FD-210 [and] 81C01-0608FD-253 and Wayne County Case no: 89D02-0609-FD-136 and Franklin County Case no 24C01-0608-FD-608." "These multi[p]le conviction [sic] serve that the State had wrongful [sic] prosecuted Parks over and over for the same offense. These offense [sic] all happen while Parks was out of jail and should have been under the same cause number or reduce [sic] to lesser offense[.] The State has use [sic] it [sic] home rule to justify its own interpretation of law, clearly in conflict with the legislation [sic] intent and the rules of the Indiana Supreme Court."

Appellant's Brief at 3-4.

Shane v. State, 716 N.E.2d 391, 398 n.3 (Ind. 1999) (holding that the defendant waived argument on appeal by failing to develop a cogent argument).

Regarding the third issue, Parks appears to argue that his probation is going to be revoked and Parks suggests that the imposition of a $275 probation transfer fee violates the Equal Protection Clause. In the statement of the facts, Parks stated, without citation to the record:

> Cause Parks do [sic] not own a vehicle or do [sic] not have Indiana license and Parks is staying in Department of Correction housen [sic] and he is in poverty their [sic] no way Parks could see his probation officer, however Parks tried to get his court appointed counsel to reject the deal but he got his money and walk away.

Appellant's Brief at 2. Parks argues that "[t]he trial court in this case has attempted to in force [sic] a 275.00 dollar transfer fee on Parks after Parks had signed the plea deal." Id. at 10. To the extent that Parks raises this issue, we note that Parks is appealing the trial court's denial of his motion to reject the plea agreement and is not appealing a revocation of probation. The record does not reveal that there has been any petition or proceeding to revoke Parks's probation on this basis. Consequently, we conclude that this issue is not ripe for review. See Gustman v. State, 660 N.E.2d 353, 356 (Ind. Ct. App. 1996) (addressing the defendant's argument that the trial court violated his constitutional rights by ordering that he pay child support as a condition of probation immediately upon his release from incarceration by holding that the issue was not ripe for appellate review because the defendant had not yet been imprisoned for the violation of the terms of his probation), reh'g denied, trans. denied.

For the foregoing reasons, we affirm the trial court's denial of Parks's motion to reject the plea agreement.

Affirmed.

ROBB, J. and CRONE, J. concur